

RESOLUTION 2002 - 175

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ADOPTING THE TOWN'S COMMUNITY BENEFIT POLICY**

WHEREAS, that the Town of Los Gatos Town Council has determined that a written policy clarifying the requirement for a community benefit offering is necessary (General Plan Implementing Section L.I.1.8); and

WHEREAS, the Town of Los Gatos does not currently have a written policy clarifying the Town Resolution 1991-174 and Resolution 1993-62, requirements for a community benefit offering, and

WHEREAS, the Resolution 1991-174 (Traffic Impact Policy) and Resolution 1993-62 (Development Policy for Infill Projects) require a community benefit offering for certain projects; and

WHEREAS, adoption of such policies will help provide clear direction to developers processing development applications (General Plan Implementing Section L.I.1.8); and

WHEREAS, the Planning Commission recommended approval of the draft Community Benefit Policy on September 25, 2002; and

THEREFORE BE IT RESOLVED: the Town Council of the TOWN OF LOS GATOS does hereby adopt the Community Benefit Policy attached hereto as Exhibits A.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 4th day
of November 2002, by the following vote:

COUNCIL MEMBERS:

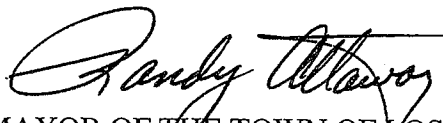
AYES: Steven Blanton, Sandy Decker, Joe Pirzynski,
Mayor Randy Attaway

NAYS: Steve Glickman

ABSENT: None

ABSTAIN: None

SIGNED:


MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:


CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

**TOWN COUNCIL POLICY
TOWN OF LOS GATOS**

Subject: Community Benefit Policy

Enabling Action:
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Approved:
Recommended By Planning Commission
on 9/25/02

Effective
Date: November 4, 2002

PURPOSE:

The intent of the Community Benefit Policy is to provide the Town a means to support projects that are beneficial and desirable to the community, but may have certain negative impacts. These impacts are generally unavoidable or unintended consequences of new development, such as traffic, that cannot be entirely avoided through standard conditions of approval. Negative impacts may be overridden by benefits offered to the Town by an applicant.

A community benefit offering is intended to add to the merits of a project. It is not intended to create a means for applicants to transform undesirable projects into projects that appear to be desirable due to their community benefit. Rather, it is intended to provide applicants, who are already proposing projects that are generally beneficial to the Town, a means of offsetting the negative impacts of these projects.

A community benefit offering shall be something that otherwise would not have been required by law or as a condition of approval for a project. A specific community benefit offering cannot be compelled by the Town. It must be proposed by the applicant in addition to the standard conditions of approval and any required mitigation measures for a project. Mitigation measures such as fees, dedications, or easements required by the Town do not qualify as a community benefit.

The following policy shall be used by the deciding body when reviewing any application that: (1) causes an increase of 5 peak hour trips per Resolution 1991-174; or (2) is considered an infill project per Resolution 1993-62.

GENERAL POLICY:

1. The applicant shall propose the community benefit offering, and is responsible for demonstrating that the community benefit being offered is appropriate to offset a project's impacts. The applicant shall submit a letter of justification and any other supporting documentation necessary to clearly outline the proposed community benefit.

2. The community benefit shall be offered in addition to the standard mitigation measures required in the conditions of approval and in excess of any Town's codes and regulations including California Environmental Quality Act (CEQA). However, a specific community benefit cannot be compelled by the Town.
3. The community benefit offering does not need to correlate directly with the project or with the project's impacts. The benefit may be off-site or unrelated to the project.
4. The deciding body shall determine whether or not the community benefit being offered sufficiently outweighs the cumulative impacts caused by the project. Both tangible impacts (quantitative) and the intangible impacts (non-quantitative) will be considered.
5. The deciding body shall weigh the value of the proposed community benefit based on the desirability of the benefit at the time the project is being proposed or based on perceived future value or need.
6. The Town's values, economy, and character may change over time, therefore a previously accepted community benefit does not set a precedence or guarantee that the same community benefit will be accepted in the future. A previously accepted benefit may be drawn upon as an example, but might not be accepted as a benefit in the future if the Town determines that the benefit is no longer necessary, valuable, or desirable. Applicants should refer to the Town's official needs assessment list or to a list of previously accepted community benefits. (Please see attached lists)
7. Tax revenue generation resulting from the proposed project cannot be used as the project's sole community benefit. Tax revenue generation may be used as a community benefit in addition to another proposed benefit. It may also be used in the context of increasing the overall value of the project to the Town if it contributes to the Town's long term financial stability.

SPECIFIC POLICY:

The following is a partial list of examples that an applicant may draw upon when seeking to create community benefit for a project:

- additional BMP units or equally affordable housing units
- improved traffic circulation or reduction of traffic
- street or neighborhood improvements
- historic preservation or restoration
- public art
- open space, conservation, or scenic easements and other dedications

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- bike/walking trails
- mitigation or elimination of an existing problem
- restoration of a riparian habitat or water course
- a demonstrated unique or desirable use for the Town

DEFINITION:

Community Benefit: An offering of benefit to the Town proposed by an applicant, in addition to the standard mitigation measures required by the Town, that overrides certain negative impacts resulting from an infill project or a project that generates more than five (5) peak hour trips.

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